8197706/2023/OP-I-AGC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Agriculture & Cooperation (H&S) Department - Sericulture - Implementation of the orders dated: 24.01.2023 of the Hon'ble High Court of A.P., Amaravathi in W.P (AT) No.866 of 2021 - Orders - Issued.

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AGRICULTURE & COOPERATION (H&S) DEPARTMENT

G.O.Ms.No.65 Dated: 24.11.2023.
Read the following.

1. G.O.Ms.No.104, Finance (HR.IV) Department, dt. 28.08.2015.
2. Cir.Memo. No.92830/151/HR.IV/2016, Finance (HR.IV) Department, dt. 28.06.2016.
3. Individual representations, dt. 20.11.2015 and 26.11.2015.
4. Proceedings. Rc. No. 339/2015/E1, dt. 19.09.2016 of Joint Director of Sericulture, Chittoor.
5. Proceedings. Rc. No. 411/2015/E1, dt. 18.10.2016 of Joint Director of Sericulture, Chittoor.
6. Proceedings. Rc. No. 618/SERI/2016, dt. 27.01.2017 of Deputy Director of Sericulture, Kakinada.
7. Proceedings. Rc. No. 1381/2015/B1A, dt. 01.09.2016 of Commissioner of Sericulture, Guntur.
8. Hon'ble High Court Orders in W.P (AT) No.866 of 2021, dated: 24.01.2023.
9. Review I.A No.1 of 2023 in W.P.(AT) No.866/2021 filed by Agriculture Department.
10. Hon'ble High Court Orders in Contempt Case No.3473/2023 in WP (AT) No.866 of 2021dt. 31.10.2023.
11. Letter Rc.No. 995/2023-Estt.-I of Commissioner of Sericulture, Guntur, dt. 24.11.2023.

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ORDER :

As per the orders issued vide reference 1st cited, the following (4) employees of Sericulture Department were re-inducted into service after their retirement in Telangana on attaining the age of superannuation of 58 years. The details are as below:

Sl.No.	Name of the employee and Designation	Date of Retirement in Telanagana	Date of Re-induction in Government of A.P.	Interregnum Period
1	M.Eswaraiah, Assistant, Director	30.06.2014	28.08.2015	01.07.2014 to 27.08.2015
2	V. Bhaskar Reddy, Assistant, Director	28.02.2015	31.08.2015	01.03.2015 to 30.08.2015
3	B.Bhushnam, Assistant, Director	30.11.2014	28.08.2015	01.12.2014 to 27.08.2015
4	J. Sumana, Assistant, Director	31.05.2015	28.08.2015	01.06.2015 to 27.08.2015

2. Further, vide representations 2nd read above, the individuals requested to pay pension equivalent amount for the period of out of employment / interregnum period as per the orders issued in the reference 1st read above. Accordingly, they were paid pension equivalent amount vide references 4th to 7th read above.

3. However, the individuals filed W.P. (AT) No.866 of 2021 before the Hon'ble A.P. High Court, Amaravati to quash the G.O.Ms.No.104, Finance(HR.IV) Department, dated:28.08.2015, to the extent mentioned in Para 7(c) and direct the respondents to pay them full salary for the interregnum period as the Government treated the gap period i.e., from the date of their retirements in Telangana State to their re-induction in the A.P. State as interregnum period.The Hon'ble High Court of Andhra Pradesh was pleased to pass the following orders in W.P. (AT) No. 866 of 2021 on 24.01.2023:

> *"6. Learned counsel for the petitioners would contend that earlier the learned Tribunal passed the orders in similar circumstances and placed on record the order dated 20.08.2018 in O.A.No1673 of 2018 and batch. Therefore learned counsel for the petitioners requested to pass similar orders in this writ petition also.*
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> *7. As could be seen from the material placed by the petitioners that they were working in Sericulture Department in Telangana State as per the A.P Re-organization Act and they intended to be allotted to the State of Andhra Pradesh. The 1st respondent as per Act 4 of 2014, enhanced the age of superannuation of its employees with effect from 02.06.2014 from 58 to 60 years. Further the learned Tribunal passed an order in earlier circumstances, this Court also inclined to pass similar orders in this writ petition also ".*
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> *8. Accordingly, the Writ Petition is allowed, while declaring the impugned G.O.Ms.No.104, dated 28.08.2015 to the extent mentioned in Para 7(c) therein is declared as illegal, arbitrary and same is hereby quashed. Further the respondents are directed to pay the consequential benefits to the petitioners, within eight (08) weeks from the date of receipt of a copy of this order. There shall be no order as to costs".*

4. Government have filed Review I.A.No.1/2023 in W.P.(AT) No.866 of 2021 before the Hon'ble High Court of A.P. on the orders dated:24.01.2023 vide reference 9th read above.

5. In the meanwhile, vide reference 10th read above, the petitioners filed Contempt Case No.3473/2023 on 14-07-2023 before the Hon'ble A.P. High Court in which the following orders were issued dt:31.10.2023

> *"Since I.A.No.1 of 2023 in W.P.(AT) No.866 of 2021 is dismissed.*
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> *Hence, the Contempt Case is posted for compliance of the order, post on 15-11-2023, failing which the respondents / Contemnors are directed to be present in-person before this Court".*

6. The C.C.No.3473/2023 in W.P(AT) No.866/2021 finally came up for hearing on 24-11-2023. The Special Chief Secretary to Government, Finance Department and the Commissioner of Sericulture, A.P., Guntur have appeared before the Hon'ble Judge. The G.Ps. for Services I and Service II have appeared and argued the case and sought (4) weeks time. The Hon'ble Judge has given time for compliance by 4.15 P.M. on 24.11.2023.

7. In the reference 11th read above, the Commissioner of Sericulture submitted detailed proposal to issue orders for implementing the orders of the Hon'ble High Court in W.P.(AT) No.866 of 2021 dt. 24.01.2023.

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8. Government after careful examination of the matter,hereby order to implement the orders passed by the Hon'ble High Court in W.P.(AT) No.866 of 2021 dt.24.01.2023, subject to following conditions:

(i) Outcome of the Writ Appeal to be filed by the Department against the Hon'ble A.P. High Court orders, dt. 24.01.2023 in W.P.(AT) No.866/2021.
(ii) That the orders issued shall not be quoted as a precedence in other similar / future cases.
(iii) Taking exemplary disciplinary action against the persons responsible for the delay in taking appropriate action in the matter.

9. The Commissioner of Sericulture, Andhra Pradesh, Guntur shall take necessary action in the matter, accordingly.

10. This order issues with the concurrence of Finance Department vide their U.O.No.24732/33021/11/2015-SO (HR.IV)-Finance, dated:24.11.2023.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
CC-RBKs & SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Sericulture, Andhra Pradesh, Guntur.
The individuals concerned through the Commissioner of Sericulture, A.P., Guntur.
The Principal Accountant General, A.P., Vijayawada.
The Director of Treasuries, Mangalagiri, Andhra Pradesh.
The Finance (HR.IV, FR & LR) Department.
Copy to:
P.S to Hon'ble Minister (Agrl.& Coop)
P.S to CC-RBKs &Spl.C.S to Govt., Agrl.& Coop Dept.,
P.S to Prl.Secy.to Govt., Finance Dept., A.P Sectt.
P.S to Secy. to Govt., Finance (HR) Dept., A.P Sectt.
The Government Pleader for Services-II, A.P.High Court Buildings, Nelapadu.
SF/SC.

// FORWARDED BY ORDER//

M. Mamatha Sundari
SECTION OFFICER